CHAIRMAN BALDWIN: Please, please, there are no point of orders--once the previous question, Delegate Eichhorn, has been called for, as you know, you're supposed to immediately vote. Delegate Robinson was halfway in his speaking. We allowed him to finish his sentence and that's all. We shall now vote.

DELEGATE ROBINSON: I am finished.

CHAIRMAN BALDWIN: [Rapping gavel] There is no discussion after the previous question. Those in favor of Delegate Johnson's motion to hold meetings on Sunday from 12:00 to 5:00, signify by a show of hands. [Show of hands]

A DELEGATE: 12:00 to 6:00.

CHAIRMAN BALDWIN: Pardon?

A DELEGATE: 12:00 to 6:00.

CHAIRMAN BALDWIN: 12:00 to 6:00.

SEVERAL DELEGATES: To study.

SECRETARY COOPER: It's to study, not to hold meetings.

CHAIRMAN BALDWIN: Whatever.

SECRETARY COOPER: Sixteen.

CHAIRMAN BALDWIN: Those opposed? [Show of hands]

SECRETARY COOPER: Seven. Seven saints and 16 sinners.

CHAIRMAN BALDWIN: The matter will be referred to the executive committee. Thank you.

The next article--[rapping gavel] the next article that this body will discuss is the local government article [rapping gavel]--is the local government article. Just a second, chairperson.

The president has informed me that, number one, we'll have a guest speaker, Delegate Fauntroy. We will continue the discussion on this which will be in the question and answer period. Two minutes after he arrives in the hall, we will terminate our discussion, and the president will introduce Delegate Fauntroy. Our rules that we'll follow dealing with this article--namely, the chairperson will read the article once. If time allows, we'll begin with question and answer. The analysis that the general counsel has given us, if there are questions regarding that, that's the time to raise those with the general counsel. Upon the completion of the question and answer session, if time allows it, we'll move into debate.

Delegate Nahikian.

DELEGATE NAHIKIAN: Thank you, Mr. Chairman. I am pleased to bring before the delegates this afternoon the proposed article on intergovernmental relations. I'd like to briefly for the record introduce the members of the committee. Delegate Absalom Jordan, representing Ward 8. Delegate Philip Schrag, representing Ward 3. Delegate Talmadge Moore representing Ward 5. The Vice Chairperson of the committee, Delegate Janice Eichhorn, representing Ward 6. Delegate Barbara Maguire, representing Ward 2. Absent this morning is Delegate William Blount, representing Ward 7. And our at-large member, Delegate David A. Clarke. And Delegate Victoria Street, representing Ward 4.

As indicated by the vice chairperson, I will proceed with reading the proposed article on intergovernmental relations.

"Section 1. Boundaries of the State.

"(a) The state shall include at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area. The land within those boundaries shall remain as the federal district constituting the seat of government of the United States. The boudaries referred to are as follows:

"Beginning at the Northeast point on the present Virginia-District of Columbia Boundary, running due east to the eastern shore of the Potomac River;

"thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

"thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

"thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

"thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

"thence east on Constitution Avenue to Seventeenth Street Northwest;

"thence north on Seventeenth Street Northwest to Pennsylvania Avenue"--there was a line dropped in the typing. I am goingto insert that line at this point.

"thence east on Pennsylvania Avenue to Jackson Place Northwest." I'll repeat that so you can pencil it in. "Thence east on Jackson Place Northwest to Pennsylvania Avenue."

DELEGATE KAMENY: East on Pennsylvania to Jackson.

DELEGATE NAHIKIAN: Excuse me. Thence east on Pennsylvania Avenue to Jackson Place Northwest.

"thence north on Jackson Place to H Street Northwest;

"thence east on H Street Northwest to Madison Place

Northwest;

"thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

"thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

"thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

"thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

"thence north on John Marshall Place Northwest to C Street Northwest;

"thence east on C Street Northwest to Third Street Northwest;

"thence north on Third Street Northwest to D Street Northwest;

"thence east on D Street Northwest to Second Street Northwest;

"thence south on Second Street Northwest to the intersection of Constitution Avenue and Louisiana Avenue Northwest;

"thence northeast on Louisiana Avenue Northwest to North Capitol Street;

"thence north on North Capitol Street to

Massachusetts Avenue Northwest;

"thence southeast on Massachusetts Avenue so as to encompass Union Square;

"thence following Union Square to F Street Northeast;

"thence east on F Street Northeast to Second Street Northeast;

"thence south on Second Street Northeast to D Street Northeast;

"thence west on D Street Northeast to First Street Northeast;

"thence south on First Street Northeast to Maryland Avenue Northeast;

"thence generally north and east on Maryland Avenue to Second Street Northeast;

"thence south on Second Street Northeast to C Street Southeast;

"thence west on C Street Southeast to New Jersey Avenue Southeast;

"thence west on C Street Southeast to New Jersey Avenue Southeast"--it's a repeat, I'm sorry.

"thence south on New Jersey Avenue Southeast to D Street Southeast;

"thence west on D Street Southeast to Canal Street Parkway;

"thence southeast on Canal Street Parkway to E Street Southeast;

"thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

"thence northwest on Canal Street Southwest to Second Street Southwest;

"thence south on Second Street Southwest to Virginia Avenue Southwest;

"thence generally west on Virginia Avenue to Third Street Southwest;

"thence north on C Street Southwest to Sixth Street Southeast;

"thence north of Sixth Street Southeast to Independence Avenue;

"thence west on Independence Avenue to Twelfth Street Southwest;

"thence south on Twelfth Street Southwest to D Street Southwest;

"thence west on D Street Southwest to Fourteenth Street Southwest;

"thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

"thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

"thence due east to the side of the Washington Channel;

"thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

"thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

"thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

"thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

"thence south and west along such southeastern boundary line to the point where it meets the present

Virginia-District of Columbia Boundary;

"thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

"(b) Where the area in paragraph (a) is bounded by any street, such street, and any sidewalk thereof, shall be included within the federal district.

"(c) The building known as the District Building shall, however, be part of the State.

(d) The state does not include any of the bridges crossing the Potomac River.

"Section 2. Cooperation with Other Governments.

"With the consent of the legislature, the Governor may enter into agreements or compacts for any public purpose with other governmental entities including other states and the federal government. At the request of the federal government and with the consent of the legislature, the Governor shall negotiate contracts with the federal government to provide police, fire, sanitation, and other services to (1) federal buildings and other federal property located in the State; (2) foreign embassies and chanceries located in the State; and (3) the federal district which is the seat of government of the United States of America.

"Section 3. Acceptance of federal funds.

"No taxes shall be imposed by the State upon any property now owned or hereafter acquired by the United States, unless the property becomes taxable because the United States disposes of it or consents to taxation. The State may accept from the federal government grants and other payments, including payments in lieu of tax revenues that would be collected were the federal property in the State subject to taxation."

This completes the reading of the proposed article on intergovernmental relations. Mr. President, in accordance with the rules, and Mr. Vice President, in accordance with the rules of our convention that we have adopted, I have chosen to ask Delegate Absalom Jordan to answer questions and generally chair the presentation on this proposed article on intergovernmental relations. Thank you. Delegate Jordan.

CHAIRMAN BALDWIN: Thank you. The time allotted for questions andanswers will be a total of 30 minutes or until our guest speaker arrives. Delegate Jones.

DELEGATE JONES: I'd like to ask a question because in reading the boundaries of the state, I couldn't determine what included--I'm sorry--what included Bolling, and I still didn't determine what included Saint Elizabeth's Hospital. Those were the two things that I was interested in.

DELEGATE JORDAN: If I could make a brief explanation for just a moment so that I can show you some graphics that we have that will I think help you in some of your problems. First, this is a present map of the District of Columbia as it's presently constituted. And it shows the areas that basically are used by the federal government, park land and what have you.

You have an overlay that will identify the area that the committee is proposing be included within the state, and that area which is to be excluded from the state. The area in the green is the area that the committee is proposing be excluded from the state.

We have a smaller map that may be even more helpful, I hope, in defining the areas. Maybe you could see it even better because this is basically a larger viewpoint of this area. This right here is a larger viewpoint of this area. And what it shows, to answer your question specifically, is that Bolling Air Force Base, the Popular Point Tree Nursery, Naval Yard, and Fort McNair are not included in the federal district, but are included in the state.

CHAIRMAN BALDWIN: Delegate Corn.

DELEGATE CORN: I want to ask two very short questions. In any of the area that you put in at the federal district, are there any homes there or apartments or condominiums? That's my first question. And, second of all, the Georgetown waterfront, what's the story on that, the way you've got it laid out?

DELEGATE JORDAN: The Georgetown waterfront, to answer that question first, would be included in the federal area, all of the Potomac River, and a portion of the Anacostia River would be considered a part of the federal area. We are talking about up to the high water mark.

DELEGATE KAMENY: So, the water would be federal and the land at Georgetown would be the same.

DELEGATE JORDAN: It would be the same. Up to the high water mark would be the federal jurisdiction, and the land that was beyond that point would then be state.

The second question you asked--were any condominiums--

DELEGATE CORN: Were any homes, apartments or condominiums in the land that you gave to the federal? In other words, where people are living. That's the point I'm trying to get at.

DELEGATE NAHIKIAN: Delegate Corn, at this point we do not think there are any homes, condominiums, et cetera in the proposed federal district unless there may be some proposed in the future under the Pennsylvania Avenue development plan.

DELEGATE JORDAN: Delegate Mason, Brian Moore. Well, let me write these down. Delegate Mason. Can I just make one point before we go any further? This area that we're using basically is the area that is defined as the National Capital Service Area in Public Law 93-198. So, if you want an explanation as to why we chose that, we can give that to you. But the area that we're showing in this portion is basically what is in the National Capital Service Area. The Potomac River was not. And we have excluded certain areas from the National Capital Service Area which require that buildings abutting the streets or adjoining the streets be included, and we have taken those buildings out.

Delegate Mason.

DELEGATE C. MASON: Delegate Jordan, I think you have answered the first part of my question already; that is, these boundaries are long and complicated, and much of that, you say, is copied right out of the Home Rule Act, the service area there defined, which has actually never been used.

DELEGATE JONES: Point of order, Mr. Chairman. There is smoking on the floor of the convention hall.

CHAIRMAN BALDWIN: Delegate Corn, would you leave the floor, please.

DELEGATE C. MASON: With the presumption that it would be an advantage of the state to have the federal enclave--and I think we do have to have some small federal enclave including the Capitol, the White House, and the House and Senate office buildings. From the point of view of being able to act like any other state and tax the incomes of people within the district, I would hate to place outside the state any buildings where substantial numbers of people work other than those who work directly for the Congress and directly for the president, that is, the office building adjacent to the White House. Therefore, I also realize that in negotiation with the federal government, the Compact Commission would probably be negotiating some of these matters. I had thought that it would be possible to place a minimum definition which would include only the Capitol and its office buildings, the White House and its office building, the park land in between, but no place where anybody lives, except the White House, and nowhere where anybody works except the White House and its adjacent office building and the Capitol and its adjacent office buildings, probably the Supreme Court, probably the Library of Congress--that belongs to the Congress--but nothing more than that. Then somehow make it such that the Compact Commission--if as a condition of getting in, we have to enlarge it, that could be negotiated. But I would hate to start off with something as big as this.

I also have a question...the bridges belong to us, and I see no reason for putting them outside our jurisdiction. It would be just exactly like Lorton, which belongs to us. We've got to pay the upkeep. In that case it's in Virginia. In this case it would be outside of the District, but it still belongs to us. The only bridge that doesn't belong to us is Woodrow Wilson. Woodrow Wilson belongs to the federal government. The three jurisdictions--Virginia, Maryland, and the District chip in to pay for its upkeep. But it belongs to the federal government. But all the other bridges belong to us no matter which jurisdiction they're in.

DELEGATE JORDAN: I'll try to address your concerns as I can remember them, Delegate Mason. First of all, Lorton doesn't belong to us; it belongs to the federal government. We have a lease on Lorton. But the point we're making here about the bridges, if I can deal with that one here--since we were asking that the river be transferred, we have also asked that the bridges be. There has been considerable discussion about creating toll bridges across the Potomac River. It was our concern in the committee that we allay any fears that the Congress may have about the new state wanting to charge people who were commuters or who came from outside of the city to cross the bridges into the new state or into the federal district which would basically be accessed by most of the bridges, any fee for doing that.

On the second point about the consideration of the federal enclave and making it as minimal as possible, first of all, there was considerable discussion in our committee on this point. If you would refer to our committee's report on it, you'll see that we did discuss the matter of potential loss of commuter revenue. That was a serious concern in the committee. But the proposal was, if we only looked at the minimal areas that were considered, there would be no logical contiguous area or continuing area between the federal interest, which would be you'd leave them out as a little small enclave with nothing to connect them. There would be no real connection between the White House or the Capitol or what have you. Now, it was considered that since the federal government has already addressed its interests by defining the National Capital Service Area--okay?--that we would at least accept that as a minimum, realizing that we would lose some potential commuter tax. At the same time we would feel that it would enhance the chances of getting statehood. There's another point too, though. While we did leave out some areas--I mean, while we did include some areas of employment within the federal district, we excluded some areas of employment from our proposal. That is to say, all of Agriculture, Fort McNair, the Navy Yard, Poplar Point Nursery, Bolling Air Force Base, the Naval Air Station, and the Naval Research Lab. So, there was a balance struck. But it was a very difficult decision to make in terms of whether to use Independence and Constitution Avenue as the boundaries and try to leave out the Federal Triangle because that's the only area of employment that's included here, or whether or not to do it. And it was felt that since Congress had done this and also we had some representation from members of the Pennsylvania Avenue Development Corporation, we were finally persuaded by that evidence and by the fact that some of the witnesses who had come to testify before us had recommended using the National Capital Service Area, we finally settled on that.

DELEGATE NAHIKIAN: Brian Moore was next.

DELEGATE B. MOORE: Yes. I pass.

DELEGATE NAHIKIAN: Rothschild was next.

DELEGATE ROTHSCHILD: I was just curious, how many workers are actually left out? Do you have any estimate of what we would lose in tax revenue?

DELEGATE JORDAN: No, sir. Well, see, when you say what we'd lose in tax revenue, we were comparing what the potential was for tax revenue and what we have now. And as it stands now, they aren't even potential tax revenue sources. Like I say, we weighed the loss of those potential tax resources with the gains that we were making from the other areas. We don't know specifically how many workers are there.

DELEGATE ROTHSCHILD: What buildings specifically do we lose?

DELEGATE JORDAN: You mean you want me to identify all the buildings? The Federal Trade Commission, Archives--

DELEGATE B. MOORE: Agriculture.

DELEGATE JORDAN: No, I just said earlier, Brian, we did not lose Agriculture. The Federal Trade Commission, Agriculture--not Agriculture, excuse me--Archives, Justice Department, IRS, Interstate Commerce Commission, Commerce Commission. That was it.

DELEGATE SCHRAG: The State Department.

DELEGATE JORDAN: Oh, the State Department.

DELEGATE SCHRAG: The Federal Reserve.

DELEGATE NAHIKIAN: Yes, the Federal Reserve.

DELEGATE JORDAN: The Federal Reserve Board and the State Department.

DELEGATE ROTHSCHILD: Do we lose them all?

DELEGATE JORDAN: We lose those, yes.

DELEGATE ROTHSCHILD: The Smithsonian?

DELEGATE JORDAN: Part of the Smithsonian was there; part of it's not. But most of it is there.

DELEGATE NAHIKIAN: Delegate Baldwin.

CHAIRMAN BALDWIN: Delegate Jordan, I've seen at least two proposed amendments to our boundaries. I will put them in the form of a question and kind of relate to those and elaborate on them. And then you may or may not respond to it. I say, number one, if you go back to the 1780s, 1790s, that the Congress did in fact designate--and from that point on up it has changed a couple of times--designate what is called the permanent seat of the United States Government. Okay, we go back when the District was a territory and to the time when the District of Columbia was specifically designated the permanent seat of the United

States Government. So, this is one thing that I would like the committee to take under consideration.

The second point is that section 737(a) and (b) of our Home Rule bill speaks to, as you say, in defining what is called the National Capital Service Area. Okay, that's the second point. Your committee chose then to leave off (b), as I read it. You left off (b), but you included (a). Okay, that's the second point.

The third point is--and I'm sure I'm right on this even though some of you committee members may say I'm wrong--a body like this, a state, cannot determine and define for the federal government (a) where the seat of government will be, (b) what the NCSA, National Capital Service Area, will be. And my final point is that we cannot define the boundaries of a state and say: We are going to take the seat of the federal government out of this group, out of your boundary; we are going to take what we want and what is called the National Capital Service Area out of this boundary. We cannot, as a state, say to the federal governemtn or the Congress, number one, where the seat of government will be and, second, where the NCSA will be. And the final point, in the Constitution of the United States--I think that's section 23, section 23, where they were talking about whether or not we would have a right to vote for the president and vice president and so forth--it specifically states that the District is the seat of government. So, we cannot do anything--it might pass, but it will not mean one iota. We cannot say to the Fed what the seat of government is nor what the federal enclave is.

DELEGATE JORDAN: First, Mr. Vice President, if we accept that argument, we may as well go home now because we're trying to establish a state. And, as I understand your position, there would be an irreconilable conflict between the two. No, we're saying that we want to create a state within the boundaries that have been established for the seat of government. And, as I understand it, there's a position about there is some kind of conflict between it.

The other point--we did include section (b). Your statement that we included section (a) but did not include section (b) is incorrect. Section (b) is included there. In this paragraph it says: "shall include streets and sidewalks therefor"--I mean, thereof. We include all streets and sidewalks in the federal area.

Now, what we did not do was to accept the subparagraphs of (b) which said that any federal real property affronting or abutting as of the date of the enactment of this will be included. But we did accept a portion of (b) which says that the streets and sidewalks will be in the areas.

CHAIRMAN BALDWIN: Delegate Jordan, I guess you missed my point. I'm not saying we can't define boundaries, which we can. All I'm saying is that our boundaries must include what we have stated in our United States Constitution, number one, that the seat of government for the United States--I'm not saying we can't set out boundaries. I'm just saying we can't exclude certain things from our boundaries. That's all I'm saying.

DELEGATE JORDAN: Maybe I don't understand the question because if I understand you made a historical reference to 1790s--1780s and 1791, I mean, 1790. There was a boundary established in 1791. The Congress of the United States at several points has seen fit to change that boundary, most recently in 1945. It gave a portion of that area that Maryland had ceded to Virginia. So, there's a question that's raised there.

CHAIRMAN BALDWIN: No, 1864.

DELEGATE JORDAN: No, sir. The boundary was established in 1791. You're talking about cession to Virginia of that portion of land that was in Virginia. I'm saying that there was an act passed in 1945 that created national--I mean, created the boundaries which would now exclude National Airport from this area.

CHAIRMAN BALDWIN: Let's try it this way then--

DELEGATE JORDAN: Mr. Chairman, I just wish you would let me finish.

CHAIRMAN BALDWIN: I just want to raise a point with you. What if someone were to say to you, "Delegate Jordan"--we have a congressman on the floor--"the permanent seat of government by definition is the same boundaries as what is now known as the District of Columbia"? My only question to you is, Can we do anything about it? Can we say, "No, this is not the seat of government"? That's all I'm raising.

DELEGATE JORDAN: Okay. The committee is not saying that it is or is not the permanent seat of government. The committee is developing a document that will include in it boundaries which the Congress has the right to accept or reject. And what I was trying to say earlier was that the Congress has identified this area in Public Law 93-198, which you even cited yourself, to show that they have defined what they felt was an area that encompassed the federal interest. Now, all we're saying is that the state would include that area outside of an area that Congress has defined as a federal interest. Congress ultimately will have a right to review this. And at that point they can accept it or reject it. But I'm saying that Congress has used this themselves in their legislation to define the area. And, like I said, we had a couple witnesses who came before our committee and felt that we should do it. One of them was our distinguished representative, Congressman Walter Fauntroy; and the other was Mr. Robert Harris, who was a former legislative aide to Senator Thomas Eagleton, who helped draft the Home Rule Charter. And it was his suggestion that we identify these boundaries. And it was predicated on some of the information that we received during our hearings that we ultimately developed some boundaries.

CHAIRMAN BALDWIN: Thank you, Delegate Jordan.

DELEGATE NAHIKIAN: Delegates, I have been requested by President Cassell to end the discussion and questions at this point due to the arrival of Congressman Fauntroy. I would respectfully ask, Mr. President and Mr. Vice President, that this committee be allowed to continue with questions and answers after Mr. Fauntroy speaks or at such time as we have our next session if we end at 2:00 o'clock.

[At this time President Cassell assumed the chair.]

PRESIDENT CASSELL: Mr. Fauntroy says he would be willing to wait until we have concluded this particular section. I had one question that I wanted--

DELEGATE NAHIKIAN: You mean, questions and answers on this section.

PRESIDENT CASSELL: No, no, no, the line of questioning on this particular article.

DELEGATE NAHIKIAN: Fine. In deference to President Cassell, go ahead and ask your question. Delegate Simmons is next on the list. President Cassell.

PRESIDENT CASSELL: I want to go back and take the chair and introduce Congressman Fauntroy shortly. The discussion that just ensued seemed to be covered by the explanation by the committee on its first page, "Boundaries of the State." It indicated that there was some discussion as to whether there should be a definition of the boundaries or whether they should simply indicate what federal buildings should be excluded and let the Congress make that decision. And obviously they elected to make those the boundaries themselves. Now, the Congress of course has the right to make definitional boundaries. I suppose the Congress has the latitude to make many decisions here that we can't. I see what the committee is doing now is just a proposal to the Congress, and the proposal is that these be the defined boundaries. There should be nothing in the definition that would be unconstitutional or contrary to the United States Constitution. But I think that the Congress does have the latitude to receive whatever proposal we're making here and define those. It's just possible that they may change the boundaries themselves. It's just possible they may want to include other areas or exclude other areas. It seems to me that this certainly gives them something to work with.

DELEGATE NAHIKIAN: Thank you, President Cassell.

PRESIDENT CASSELL: Yes. As soon as possible, I'd like to introduce the delegate.

DELEGATE NAHIKIAN: Okay. Delegate Simmons was next on the list. We're going by a list up here.

DELEGATE SIMMONS: A very quick tiny question--

DELEGATE JORDAN: Can I just do one thing, Delegate Simmons? I left something out. HEW still remains within the federal area of interest; so does Interior.

DELEGATE SIMMONS: The question that I have is a basic one on which I need the judgment of the committee. We have a Compact Committee. It is my question whether or not it isn't better to let them negotiate in the Compact Commission because it seems to me if we started defining, as we have here, in great detail, all we've done is increased what can be attacked and what can be an excuse to object to what has been drawn. It seems to me that we eliminate a great deal of potential disagreement with our plan and the constitution and the theory of statehood and sovereignty if we don't give them quite as much target to shoot at. And that's why I'm wondering why the commission isn't permitted to engage in that negotiation and not have us give them 14 pages of excuses to shoot at.

DELEGATE JORDAN: First of all, let's do one thing. In the case that we don't understand specifically what the Statehood Compact Commission does, it is not an instrument to negotiate with the federal government or anybody else any boundaries. Now, if we want to, we could read it. It conducts a full and complete study of the necessary and appropriate legislation and administrative action that must be taken in order to facilitate the transfer of authority and functions over the portion of the District of Columbia which will comprise the new state.

Please, will you let me finish. It is to give special consideration to the relationship that should be developed to secure and maintain any federal interest in the state. And, three, to submit to the constitutional convention a full report and detailed report on the findings and recommendations. The function of the statehood commission at no point--I mean, the statehood compact commission--at no point is to negotiate. It was an advisory arm for this constitutional convention. So, I'm saying anything that it did, anything that it found, anything that it was supposed to develop was supposed to come back to us. And that's what it's function is. Joel, you're shaking your head. I wish you'd show me. I just read it to you what it does. Now, if you can find something else in there that goes beyond that, I'd appreciate it.

PRESIDENT CASSELL: Delegate Nahikian.

DELEGATE JORDAN: I'm just saying--wait, let me just finish. I haven't finished her question. The basic philosophical question is though: Why do you define them because you are going to create some problems? Initially the committee didn't define them. Okay? And I'm saying that as a result of testimony from witnesses who came before our committee, it was felt that at least you establish a minimum. Okay? You establish some point from which you are willing to negotiate or at least identify something that you felt represented the area that you wanted to be included. If we were going to be honest about it and say that we were going to leave it up to just the federal government, then we could conceivably have gone all the way up to Florida Avenue because that was the jurisdiction of the old city. So, I'm just saying thatit was felt that by doing this there was no insult to Congress, no injury intended or anything, that we used only what the Congress had given us and sought that as a basis for at least establishing a minimum area.

DELEGATE SIMMONS: Do you view this as minimal? That's my question.

DELEGATE JORDAN: Yes.

PRESIDENT CASSELL: Delegate Nahikian.

DELEGATE NAHIKIAN: Yes?

PRESIDENT CASSELL: Could we interrupt this discussion for a period of time?

DELEGATE NAHIKIAN: Certainly. As requested by the president, we'll interrupt at this point. Delegate Fauntroy knows that he's the one who got us into this. [Delegates laugh.]

It has been stated that we would return to questions and answers because I still have a long list of people. Just as a point of closure, I would like for the delegates to realize that this debate over "Do we include or do we not include boundaries in the constitution?" is essentially one of the most critical, political, and philosophical points that this convention must address because it is a question of we need to use very good judgment in how we come out with this. Thank you.

PRESIDENT CASSELL: Okay, thank you. Fellow delegates, in the long struggle toward representative government in Washington, D.C. many things have happened. We had an appointed city council and mayor starting in 1967. In 1968 we were allowed to elect our own school board. In 1971 legislation allowed us for the first time to elect a representative from the District of Columbia to Congress. The person who moved into that position in 1971 and has held that office through popular election during the past 11 years is our guest today. I wasn't there, but the people in the local government committee indicate that Congressman Fauntroy gave them not only some very good advice, but very, very strong support and inspiration.

We're very happy to have Congressman Fauntroy with us. Let me welcome you to the podium, and you have such time as you need, sir. [Standing ovation]

REPRESENTATIVE WALTER E. FAUNTROY: Thank you, President Cassell. Ladies and gentlemen, brothers and sisters, it's a real pleasure for me to be here and to share in these historic proceedings that you are about. It's a process which I have been watching with great excitement. I think you've taken a very difficult task and handled it with wisdom, patience, with integrity and with competence. And I've had the privilege of sharing some of my views with the committee which is now reporting. And I'm privileged to have this opportunity as a part of the long line of elected officials who have shared with you their views on your very important task.

It is no secret that I had been less than enthusiastic about the statehood route in the past. And I want to share with you some of the reasons for my lack of enthusiasm in the past, some of the difficulties that I think we must expect on Capitol Hill, and how I think together we can overcome those difficulties.

I've always maintained that there are five elements to full self-determination, whether you call it statehood or full home rule. The first element is full voting representation. If I had that chalk board near me and I had some chalk, I'd write it up on there. [Chalk was provided and Congressman Fauntroy moved to the blackboard.]

There are five elements to what I call full self-determination. Of course, first, there's full voting representation, and that of course is our representation in the U.S. House and Senate.

The second element is budget autonomy. And that is control over the decisions affecting our budget. I'll just leave that there.

The third is an automatic federal payment. That is, automatic payment in lieu of taxes.

The fourth is control of our court system.

And fifth would be the power to impose a commuter tax or a non-resident tax in light of the very familiar facts relating to the nature of the District of Columbia. And in my now ten years on Capitol Hill I have found that there are members of the Congress that you can get to support each of these items who may be opposed to others.

For example, I can get the whole Virginia and Maryland delegations to support full voting representation; that is, those who oppose the commuter tax. I can generally get those who are for full voting representation--those who are opposed to the court system transfer--to support voting representation. And generally those who recognize the need for a dependable and a predictable federal payment to support that. Generally you can't get the people who oppose the court system transfer to support this. Generally you can't get the people who don't want us to control our budget ultimately to support that.

On budget autonomy we could generally get the people who support, who are opposed to a commuter tax. And we are generally able to get the people who would support an automatic federal payment. Generally we are not able to get this people who are opposed to the court system or to full voting representation to support that.

On the automatic federal payment we can generally get about three out of five of these categories of persons who would support portions of full self-determination. On the federal payment we can generally get the people who would support full voting representation and budget autonomy. And with those who would normally support the automatic federal payment, we can generally agree on that. But the people who don't want us to control our support system are generally opposed to everything. And sometimes we can get the commuter tax people to support this.

On the court system we can generally get three out of the four categories, three out of the five categories. The commuter tax people, the local area people don't generally like it because it means that some of their constituents might not be appointed to the courts. And generally of course the court system people would be opposed to allowing us to control the court system.

On the commuter tax, I think we have a good chance because I think we would get the people for the most part who support full voting representation to support that. The people who support the budget autonomy would generally go with us. Automatic federal payment will generally go with us because they're concerned about money. And even the court system people think--system people who are opposed to the court system believe that the people who benefit from the services of the District of Columbia ought to pay taxes in the District of Columbia. And generally we can get them. And of course we have that situation with respect to those who are opposed to the commuter tax.

Normally my strategy has been--is to try to build the differing coalitions around each of these items. The reality is that when we take our statehood question to the Congress, we will line up an indeterminate number of members who, while they would support full voting representation, will not support the court system. In short, what we do with the statehood votes is to aggregate all of those who oppose these elements of full self-determination and have them voting against it. So, we pick up about five categories of opposition to one statehood on a vote.

The question is, Who are these people today, and how can we persuade a sufficient number who are outside of this circle of anti individual elements to support on a majority basis,both, the statehood question? I hope that that fairly illustrates the major concern about the arithmetic of political power on the Hill.

With that kind of reality facing us, our strategy, it seems to me, has to be twofold. One, once you complete your work, determine what the present character of the Congress is with respect to all of these things because all of them are included in the statehood simple majority vote. And, so, one of the first things I would ask you to help us do once we have completed the work is to do that canvass of the members of the Congress and see if there are enough outside of the 18 members, the four senators from Maryland and Virginia, who are going to be opposed to this--not because they oppose this or this or this, but because they know that it will be interpreted in their states as a vote for a commuter tax. So, they're going to have to be opposed. We're going to have to see how many of the boll weevils--

excuse me--how many of the arch conservatives who are afraid that if we control the courts, that they can't go along with it, how many they are and right on down. And I suspect that we know where we're going to lose Senate votes here. I think that on the commuter tax thing, if we ever went after it, with this fiscally conservative congress, we would wipe them out. I have no question about that. If ever we wanted to play that card, we'd win. Don't you think we wouldn't. There are enough members of the Senate--Mr. Mathias and Mr. Byrd and the others notwithstanding--who would give us a majority vote. They may be able to tie up maybe 15 or 20 votes in terms of their various committee assignments and IOUs on their various committees. But they could not beat us on this.

But we have to assess how many we lose on this, how many we lose on that, how many we lose from the opposition to these various ones. And then begin to master the arithmetic of our political power.

Now, in fact I have found in my ten years on the Hill that our power in the arithmetic of the Congress is based on the efficacy of black votes primarily in the South. Some of you may recall that during the movement years, I used to say that we would never be free in Washington until black people were free to vote in the South. And I said that because I knew then why Medgar Evers was killed in Jackson, Mississippi; why Luviolo Luitsa was gunned down on Highway 80; why James Reed was beaten to death on the streets of Selma. It was because there were those at the command posts of power who knew that if those people were ever able to register and vote that they would take from the historic coalition of Southern Democrats and conservative Republicans their anchor. That is, Southern--what we now call boll weevils--who are by virtue of their denying black participation, some four million eligible voters in the South, were able freely to oppose progressive causes. And I don't think it's any secret but that since we registered four million new black voters in the South and since they are now voting and kicking and eliminating members of the Congress who do not agree on progressive legislation generally, things are changing. It is no accident that Strom Thurmond led the full voting representation fight in the Senate. The simple fact was that he was up for reelection in a state where one-third of the electorate was black and in a state where the blacks enjoy kicking Cain with this John L. McMillan. So, I had but to ask him twice to lead the fight for full voting representation in the Senate. Once I asked him if he would do it. He said, "Boy, you is crazy if you think I'm going to support an effort to get two little senators, two Democrats, two urban votes in the Senate. Are you crazy?"

And I asked him if he was up for reelection, and he said yes. I asked him if he knew a gentleman by the name of Rabinell, a young Yalie with plenty of money, who was very attractive to the black community in South Carolina. He said, "How many votes do you need?" [Delegates laugh.]

And I said, "I need 19."

He said, "I can't get 19."

I said, "I have to go to South Carolina and talk to my friends then."

He went and got Goldwater. He said, "Barry, I'm up to 18. I need 19 votes. If you will give me this vote and let me get over this hurdle, everything will be all right."

We are over that hurdle for the time being although when we get to the Senate, there will be those that we call the four twos. Those that would be opposed to all of these other things, to statehood, simply because it would mean two Democrats. And that could shift the control of the chairmanships of the Senate to the Democrats. It would mean two urban votes when rural senators like Senator Dole are very concerned that they may be overwhelmed in a new Senate. It would mean the opposition of those who are opposed as Republicans because it would mean two Democrats. It would mean the opposite of those who are racists, plain and simple.

And, so, it is with those kinds of realities we would have to redo our arithmetic. And I am convinced--and I want to enthusiastically take up the challenge with you--to see if we can't fashion an arithmetic that gives us 218 votes in the House and 51 votes in the Senate. We have an enormous task ahead of us, but history has brought this moment about. And I'm prepared to take it on, understanding the realities of how much more difficult it is to pick these off one by one than to put them all in one where you line up for different reasons people against us.

There are those who say to me that this is impossible, that we have undertaken an impossible task. I for one like impossible tasks. [Laughter, applause]

They told us that we could not get the "For White Only" signs taken down across the Southland. They said they will never let black people drink from the same fountain as white people in Mississippi, in Alabama, in Georgia. "You all are dreaming. You're going to get some folks killed." Of course, some did get killed. And, thank the Lord, I'm still here. But it was dangerous. But we were serious in our persistence, in our sagacity--got us through that. They used to make fun of me on the Hill. They said, "Fauntroy doesn't have a vote. He ain't nothing. He can't do nothing." The fact is that I don't have a vote, but I have friends in some key congressional districts who do have votes and who, when they're organized, have helped us. And I think we're going to have to call upon those friends, particularly in the strength of the conservative coalition, which is still the South. The boll weevils have got new life. When, after registering four million black voters, the new right got a great idea. They say they've got four million new blacks, but we know where there are five million whites who have, prior to this time, assumed that it was against the spirit of the law to register and vote. So, they propped up prayer in the schools and they propped up abortion and they propped up busing and got through a computer that is now resident on the Potomac River at Arlington--run by a gentleman by the name of Richard Viguerie--they got the names of 25 million born-again Christians who went to the polls to vote in the name of the Lord to get those who were not for prayer in the schools but who definitely were also for such things as basic educational opportunity grants for young people and Medicaid for the old and housing programs for the ill-housed and student loans for the middle income. And, as a result, they have had a field day over the last two or three years, as you can well see.

I think that if we continue to do our work and work at this statehood proposal, by the time we're ready to go to work on this new arithmetic, those who have been propped up by that five million new voters who have been introduced in the South in particular to neutralize the impact upon boll weevils, by that time they will be so discredited because of the bankrupt policies that those votes have produced, I need not tell you that over the past year, thanks to Richard Viguerie and the computer that they have 25 million names in, we've had two decisions of government that have virtually wrecked this nation. The first decision was to fight inflation by inflating the cost of money, the high interest rate policies that have been instituted by the Federal Reserve Board and supported by this administration. As a result of that decision alone, we have had two records: 50,000 small businesses failed last year, and yesterday it was announced that we now have an unemployment rate of 9.4 percent, 10.3 million people, the largest number of people in this country unemployed since the Depression. And it's simple to understand why this has happened and why Reagan's policies are ultimately going to be discredited because the fact is that people can't afford to buy houses in this country. They can't afford to buy the money with which to purchase the houses, the interest rates. And when people can't afford 17 and 18 percent mortgage interest rates for 30 years, they don't buy houses. And when people don't buy houses, then builders can't build them. And when builders can't build them, then bricklayers and carpenters, electricians and plumbers lose their jobs. And when they lose their jobs, then people who work in factories that make refrigerators and sotves and carpeting, particularly across the South, are laid off. And that's why we have 50,000 small businesses that have failed at the same time that we've had ten million people--2.5 million put out of work since last July because of that decision. And that decision is rapidly being discredited across this nation. The people who propped up the boll weevils to neutralize the impact of the black vote in the South are losing credibility.

The second decision that they made last year, strengthened by that new force that was introduced in the elections of 1980, was the decision on the budget and tax policies of the country. They made decisions that produced four records. First, a record $280 billion cut from human needs programs for the elderly, the young, the poor, and the sick. Then, secondly, they gave away a record $750 billion to the rich essentially. You ought to know that 80 percent of the tax breaks that went to the businesses of the country went to the major corporations of the country, which ended up investing their capital in their foreign subsidiaries. The average person making--the major portion of the individual tax rate went to people who are just five percent of the people of the country. Ninety-five percent of the people of the country did not benefit from the tax break last year. The average person making $15,000 a year ends up paying $100 more in federal taxes this year than last, while the average person making $200,000 a year gets $20,000 cash additional back from the federal government this year. And the reason this program has failed to produce jobs in this country is that while they promise that if you give the money to the rich, they will reinvest it in new plant and equipment and put the American people to work, what those cats did--excuse me--what they did with the cash was to make a very sound decision to--David Stockman's confessions in the Atlantic Monthly--the greed and opportunism of which got out of hand. If I give 20,000 cash dollars in my name and I have an option between investing it in, say, Ford or GE or

Chrysler, on the one hand, and Nisson and Mitsubishi--those are the companies in Japan, Inc. that produce Datsuns, Toyotas, Suzukis, Sanyos, Panasonics, Seiko watches and Nikon cameras. If I want to put my money where it's going to make the most money for me, what am I going to do with it? I'm going to convert my dollars to yen and invest it in Japan, Inc. or in francs. And, after those French sent that missile to Argentina to hit that ship, I have decided they've got some things we've got to deal with too.

The point is that the money went out, $55 billion went out of this country last year, as has been the case for the last five years, which is five times more than people abroad invest in American productivity. And so, in short, one of the things that gives me hope that we will be able to do this is that the policies that have propped up that historic coalition of Southern Democrats and conservative Republicans, that allowed them to push through this Reaganomics, which has been reduced to Reagamortis for 50,000 small businesses and ten million people, that coalition is going to fall apart.

And just as I was saying to my church a few days ago, just as my father told me during the Depression, they had a slogan that Mellon called the signal and Coolidge rang the bell, Hoover blew the whistle, and the country went to hell [laughter], the new slogan is: Meese called the signal and Stockman rang the bell, Reagan blew the whistle, and the country went to hell. And that is the hope of our rebuilding the kind of coalition that can weave through these five elements of full self-determination, call it statehood, and get a majority vote.

So, don't be discouraged. Let's keep working, and we may make it. [Standing ovation]

PRESIDENT CASSELL: Congressman Fauntroy, we want to thank you not only for the insights that you normally have but for some analysis and some strategy for pushing through this. The fact that you're going to be with us with your arithmetic of power is encouraging. Thanks again.

Delegate Nahikian, you have 2-1/2 minutes left of the 30 minute period.

DELEGATE NAHIKIAN: Two-and-a-half minutes?

PRESIDENT CASSELL: Yes.

DELEGATE NAHIKIAN: Mr. President, thank you.

The next person I had listed on my list to ask a question was Delegate Bruning. Bruning, Kameny, and then Marcus, Garner, and Robinson. I don't think we're going to make that in 2-1/2 minutes. Can we finish these people who had previously requested?

PRESIDENT CASSELL: I have no problem with your finishing the questioners that you listed, and then we'll go on.

DELEGATE NAHIKIAN: All right, Bruning.

DELEGATE BRUNING: Yes. Simply about the river. I understand we don't want to include the river and the bridges because of the cost, I gathered.

PRESIDENT CASSELL: [Rapping gavel] Go right ahead.

DELEGATE JORDAN: I didn't understand you, Delegate Bruning.

DELEGATE BRUNING: I'm sorry. I understand that we don't want to include the Potomac and the bridges over the Potomac as matters of cost and maintenance. Could you respond, though, to apparently Congress's--or already an indication that Congress would not be willing to accept that additional burden based on Gronouski's report?

DELEGATE JORDAN: That's not the only reason. There had been some discussion about leaving the river as it was. There is a dispute over a portion of the Potomac River. It was our desire to take the District out of that dispute that presently exists and save us having to--I mean, saving any court costs or anything else like that. So, that's another reason why we did it.

DELEGATE BRUNING: Could I ask what the dispute is?

DELEGATE JORDAN: The boundaries on the Virginia side that go up to the mean high water mark of 1791 are still being adjudicated in the Federal District Court of the District of Columbia. And it's conceivable that even if that case was settled there could be other disputes that would arise in the future, and the District would have to bear the burden of it because the line that was established by the 1945 Boundaries Act is not very clear.

Let me suggest one thing too. The 1945 Boundaries Act said that the pierhead line, which is down here, that any time that pierhead line changes, the District boundary changes. So, if the Corps of Engineers came and moved--I mean, there's nothing we could do to stop them, they have the jurisdiction--if they came and moved the pierhead line to the present Maryland-District of Columbia boundary, then none of the Potomac River would be in the District. anyway. So, we are trying to avoid those ambiguities and avoid any kind of legal fights. And that's why it was recommended that we put it there.

DELEGATE BRUNING: Thank you.

DELEGATE NAHIKIAN: I might just add, Delegate

Bruning, that there were some other discussions. One of course is the cost of maintaining the bridges. But I think it's important for the delegates to realize that 90 percent of the shoreline of the Potomac River is now federal park land. I think that's important to point out.

Next on the list was Delegate Kameny.

DELEGATE KAMENY: In section (b) you say: Where the area in paragraph (a) is bounded by any street, such street, and any sidewalk thereof, shall be included within the federal district. I wondered what the committee's rationale was for doing it that way rather than to include it within the state, which I think would be much more reasonable and prevent those of us who happen to be traveling around and are on one of those streets that form the boundaries--and some of them are main streets--from moving out of the state, into the state, that kind of thing. I would think we would want to keep the streets.

DELEGATE JORDAN: The problem that you've mentioned about moving out of the state, into the state, is going to occur no matter what.

DELEGATE KAMENY: Yes.

DELEGATE JORDAN: So, that was one of the headings we tried to wrestle with. There's no way we can really solve that. We talked to representatives from the Pennsylvania Avenue Development Corporation and others. And it was based on that that we used that rationale, that we go up to the building line as the boundary for the state. That also allowed us to capture some of the employees who worked for various federal agencies within the state as opposed to leaving them outside of the state.

DELEGATE NAHIKIAN: Delegate Marcus.

DELEGATE JORDAN: Have I answered your question?

DELEGATE KAMENY: You've answered the question. I'm not totally satisfied with the rationale you've given, but you've certainly provided me with an answer, yes.

DELEGATE JORDAN: I'm just saying that we tried to figure out how to do it. Let's give an example of one street, Pennsylvania Avenue.

DELEGATE KAMENY: No, that's sort of special. You have a lot of others.

DELEGATE JORDAN: Well, a lot of other streets--you're right. It would have been nice if we could have just come down Independence Avenue and Constitution Avenue. We would have eliminated a lot of problems, and just gone in the middle of the street, you see. But you still are going to have the problem that you're trying to solve; and that is moving in and out of the jurisdiction.

DELEGATE NAHIKIAN: Delegate Marcus.

DELEGATE MARCUS: Okay, I have two very brief questions. The first one is, Why did the committee decide to leave the majority of the Anacostia in the state rather than cede that to federal jurisdiction as well, put that as part of the federal district?

DELEGATE JORDAN: The rationale here was because that's what the federal government had defined in the federal enclave or the service district. This is where it went to, and that's not the majority of the Anacostia, as you can see. The Anacostia continues on up to the Maryland line. So, that's only a small portion of the Anacostia.

DELEGATE MARCUS: The Anacostia itself, the Anacostia River is what I was referring to. So, it simply had to do with the service area boundary. Excuse me, I didn't mean that to be misinterpreted. I love Anacostia. I want to make that clear. [Delegates laugh.]

My second question is--I think that it's laudable on the part of the committee to attempt to establish boundaries for the state for the purpose of being able to negotiate on some level with Congress in regard to the boundaries. However, once the constitution, which includes the boundaries, passes this convention and then makes it passed the voters, in order to do that negotiation--unless other language which permits that negotiation is inserted in here, right?--then that constitution, should Congress want to change any of those boundaries, has to be returned to the convention so we can make the appropriate changes and carry it back to the voters and back to Congress. So, I'm wondering why you chose to use that rationale and not language which permits that negotiation.

DELEGATE JORDAN: The other way was to put language in there that says you can negotiate. But still you would have in your constitution clearly defined boundaries. So, at some point you'd have to come back and amend the constitution. You'd have to amend the constitution in any event to establish boundaries. I know, a hundred years from now you would want a child to pick up a book and say that the constitution was--I mean, that the boundaries were and define the boundaries and say: "except as negotiated between the state and the Congress of the United States" or the federal government.

DELEGATE MARCUS: Ah, if Congress decides that they're going to accept this entire--if we can put together that majority, for example, except for one place--this is probably an extreme example--except for one place where the Congress wants the border, wants the boundary moved across the street, the way that this is written right now and the way the process works, we would have to take the entire constitution back to the convention, amend it, take it through the voters again and back to Congress. And I'm wondering--I mean, was that considered? Was that process looked at as part of the rationale?

DELEGATE JORDAN: It was considered, and we looked at it. Delegate Schrag had language.

DELEGATE MARCUS: Do you understand my point?

DELEGATE SCHRAG: We want to make two points. One is: notice the phrase "at least" in the first line. That phrase at least means that these are the maximum enclave boundaries that we contemplate. If Congress wants to provide more land to the state in the process of negotiation between our representatives and congressional representatives over the language of a statehood admissions act, they may do so; and it does not have to go back to our voters because the phrase "at least" covers that case.

Now, you have described a different situation, the situation where Congress might want one more block than we have provided. And you I think have correctly stated that under those conditions the ratification of the statehood admissions act might have to come back to the people of the state. In all practicality, in all likelihood, that's going to have to happen anyway. That's what happened in Alaska, that's what happened in Hawaii. After the admissions act was passed, the admissions act itself provided for a new referendum by the people to accept the conditions not just as to boundaries, but all kinds of other conditions that were stated in that admissions act.

So, in all probability, we are going to have to go through another election after this fall anyway even if we ratify the constitution by an overwhelming vote this fall. It's probably something that Congress will demand of us to cross their _t_ and dot their _i_ as to any conditions that were put in the statehood admissions act.

DELEGATE NAHIKIAN: Delegate Eichhorn.

DELEGATE EICHHORN: Bill basically said what I wanted to point out. But another way of saying it that might be helpful is that we're saying that Congress define a sort of federal district which is very much to our benefit as compared to other boundaries that might have been drawn. And we're saying that at least that should be the way it is. But then you'll notice as we go on, we ask for changes. We asked for the District Building which is in the federal district and some other things. So, we also talk about some points we want to negotiate. We ask for more than this first sentence. I do believe that Delegate Baldwin raised a point that we might consider, and that is that maybe we should strike "The land within those boundaries shall remain as the federal district." Maybe we should not define the federal district in our constitution. We could take that sentence out and just define the state if it seems presumptuous for us to define the seat of the federal government. That does not require a major change.

I think it's important for us to go to the voters and the Congress with our view of what we think a state should look like in terms of boundaries.

DELEGATE NAHIKIAN: Delegate Garner.

DELEGATE GARNER: Thank you, Delegate Nahikian. I have several questions which don't relate to my major point which I'll bring up under debate about whether we should specify these boundaries. My questions are two. One: Did the committee consider that the Whitehurst Freeway and much of the land in Georgetown now under commercial development is within the mean high water mark and would not be in the State of Columbia?

DELEGATE JORDAN: I didn't understand. Are you saying--

DELEGATE GARNER: That the boundaries specified in your language--[President raps gavel to restore order]. As you may know, K Street, which runs underneath the Whitehurst Freeway through Georgetown, is below the mean high water mark of the Potomac River and, by your definition, would not be within the District of Columbia.

DELEGATE JORDAN: No, you have a retaining wall there; and wherever you have a retaining wall, it's going to stop there.

DELEGATE GARNER: That point needs to be clarified. My understanding is that that is not above the mean high water mark.

DELEGATE JORDAN: No, I understand what you're saying, but I'm saying the retaining wall sets the boundary if there is a retaining wall there. And you have retaining walls along that portion except where the boathouse--

DELEGATE GARNER: That just needs to be clear.

The other concern is with regard to bridges. My concern is, since you included the Chain Bridge, which is in my ANC district, that bridge is a major concern of my constituents not only because regulation of traffic on that bridge dramatically affects the very ambience of my neighborhood in terms of automobile traffic, plus access to the C&O Canal is determined by the nature of that structure. And I think it's true for other bridges.

DELEGATE JORDAN: Access to the C&O Canal only from the Virginia side.

DELEGATE GARNER: No.

DELEGATE JORDAN: How does Chain Bridge affect access for District residents?

DELEGATE GARNER: Because that's the way the people that live west of Rock Creek Park--the only way north of Georgetown you can get to the towpath directly is across Chain Bridge and down what is now a ramp that's being constructed. The point is--and I think it's true for other bridges--that those bridges are essential considerations in the way in which the neighborhood exists. The traffic across Chain Bridge goes past my house. My access to the C&O Canal is affected by the structure that exists at Chain Bridge. Believe me, that's true. And my concern is that not only at Chain Bridge, but elsewhere you have affected that. You have prohibited me, as a resident of the new state, from having any say over that. It's a federal property.

DELEGATE JORDAN: If this map is correct, there is no street that abuts the Chain Bridge. There is George Washington Memorial Parkway and Canal Road, and that is accessed from another street which Chain Bridge does not lead into an adjacent street except there.

DELEGATE GARNER: The traffic across Chain Bridge primarily enters the District through George Washington Memorial Parkway, which is also Canal Road there, and Arizona Avenue where it enters the District of Columbia. Also the primary pedestrian access to the C&O Canal in that area--unless you swim across the canal--is across Chain Bridge. It's a general point, Delegate Jordan.

PRESIDENT CASSELL: Delegate Jordan, can we say that his question is clear now even though you may not have answered it?

DELEGATE GARNER: The question is in general in terms of bridges have a major effect on the neighborhoods that they are adjacent to. By excluding them from the state, did the committee consider that kind of impact?

DELEGATE NAHIKIAN: Delegate Robinson had a question.

DELEGATE JORDAN: His question hasn't been answered. Yes, we considered all of it. To be honest with you, we tried to look at economic impact, the impact it would have on communities. Chain Bridge, I guess, creates the biggest problem in terms of the other bridges. And I think the intent, Delegate Garner, the intent initially was just to take the bridges down here. But it's going to be difficult to leave some others.

PRESIDENT CASSELL: Delegate Nahikian, have you reached the end of the list of people that you indicated before?

DELEGATE NAHIKIAN: I have one more after Robinson. That was Delegate Love. And then I had picked up three more who had raised their hands. Those were Brian Moore, Corn, and Rothschild.

PRESIDENT CASSELL: Let me suggest that we use the rest of the time between now and 2:00 o'clock for your questions and then we start the formal debate in the next session.

DELEGATE NAHIKIAN: Okay, Delegate Robinson.

DELEGATE ROBINSON: Samuel Robinson, Ward 5. The Federal Constitution, Article I, Section 8 makes reference to the federal seat of government, a ten mile square area. My question to the committee is, one: What is the square area of the District of Columbia?

DELEGATE NAHIKIAN: The District of Columbia as now is 66 square miles.

DELEGATE ROBINSON: Sixty-six square miles. The second question though is: Have they considered the possibilities that the federal government may in fact insist upon its original ten mile square area?

DELEGATE JORDAN: Delegate Robinson, a couple of things need to be cleared up in that question.

DELEGATE ROBINSON: Okay.

DELEGATE JORDAN: One is Article I, Section 8 of the Constitution, which creates exclusive federal legislative jurisdiction over that ten mile square area also applies to forts, parks, walks. There is a portion of that land that was originally mixed in the Constitution that has already been ceded back to Virginia. So, it's not ten square miles today; it's approximately 66 square miles today. And what was the other point of your question?

DELEGATE ROBINSON: I'm just concerned that if the committee considered the possibility that the federal government representatives may indeed require that they maintain their ten miles or whatever is the amount they have now since they ceded certain parts back to Virginia.

DELEGATE JORDAN: Yes, we considered that. And we also considered the fact that when the issue of federal interest came before the Congress, it was defined by the National Capital Service Area. And the other point is that under the

Gerald Ford administration and the Carter administration--every administration that has come about I guess except now, the Reagan administration--but every administration that followed the enactment of Home Rule created a commission that was to study the federal interest. And none of them have been able to bring out a report that has clearly defined the federal interest.

DELEGATE ROBINSON: Thank you.

DELEGATE NAHIKIAN: Delegate Love.

DELEGATE H. MASON: We can be very clear that that provision only provides for the area not to exceed--not to exceed...

DELEGATE JORDAN: Delegate Robinson, did you hear Delegate Mason?

DELEGATE ROBINSON: The area--

DELEGATE H. MASON: Not to exceed.

DELEGATE ROBINSON: Not to exceed.

DELEGATE NAHIKIAN: Delegate Love.

DELEGATE LOVE: If we adopt this language and it goes through three readings, it will be part of the constitution. It seems to me the only way that could be changed would be to amend the constitution. Although Mr. Schrag seems to think otherwise, it's not clear to me that you could make any changes except through a constitutional amendment process. The other question I have is in a way this takes away a lot of what the Compact Commission was going to do. So, I would just like to hear the committee speak again on why it wouldn't like us to adopt this language as a negotiating point and let the Compact Commission come in with some final language rather than put it in the constitution with the idea that it may later have to be changed by constitutional amendment.

DELEGATE JORDAN: Delegate Love, like I say, I have read what the Compact Commission does. There's nothing in here that says the Compact Commission will negotiate boundaries. So, that's a misconception, and I don't know why it keeps being raised. There are three things that the Compact Commission does in addition to--that was amended to strike out that it would inform the citizenry daily.

DELEGATE LOVE: Well, let me just ask it in a different way then. This committee is quite happy with the idea that these boundaries would go in. And yet if there were any changes that would have to be made, they would probably have to be made by constitutional amendment process, I assume.

DELEGATE SCHRAG: Mr. Love, that's a very nice point.

It's a wonderful point. But let me see if I can allay your concerns. If the Congress were to require additional land from us than is specified here and required us to have a referendum on that additional land, with respect to that additional land, that would not be the people of the new state who were having that referendum because we wouldn't be admitted yet. Our constitution will not yet have entered into force. It will be the people of the District of Columbi who are engaged in that referendum. Therefore, the procedure for amending the constitution wouldn't be in force yet because our constitution wouldn't be in force yet.

Therefore, I think that this could be changed by district legislation becuse the constitution will not have entered into force and its amending process will not have entered into force. I think this could be changed by district legislation which could be accomplished either by the council or by that referendum as the people passing legislation. And then the constitution would enter into force with this variant in it that had been part of the referendum.

DELEGATE LOVE: Are you saying that you think by legislation any part of our constitution could be changed by the City Council?

DELEGATE SCHRAG: I think that that could happen before the constitution enters into force. If you want to be absolutely certain of it, it might be desirable for us to include in the transition provisions some description of what can and can't be done that way. We might say that this article could be amended by referendum.

DELEGATE LOVE: That would be a very acceptable way of dealing with this, I think.

PRESIDENT CASSELL: Before we go further, may I ask if our general counsel cares to make any comments on the interpretation given by Delegate Schrag?

MR. THOMAS: I would say that the best thing I have heard on that is his last sentence, a referendum to change the article. I'm very concerned about being so specific with the boundaries in the article even though it does state at least. I think one of the comments already has been that suppose there is a specific line that changes, there is a specific thing that changes, and then that makes us go through the process again. However, I think there is language that can be inserted that will preclude problems to some extent.

DELEGATE SCHRAG: This committee, as you may, also is working on the transition article. And we stand advised by the debate on this point, and we will consider this point when we have our next meeting and talk about the transition article. We have been waiting with that article precisely because, as we have amended the draft constitution and as these points have come up, we are incorporating the changes that are made on the floor into our running draft so that we can bring you a transition draft which is up to date and takes account of the work that we've done so far on the floor.

DELEGATE NAHIKIAN: Delegate Marcus has a point of information.

DELEGATE MARCUS: I just think that the delegates ought to understand that there is a clear difference between ten square miles and ten miles square. Ten miles square is actually 100 square miles. The District, as it stands now, is 66 square miles, which is really 8.12 miles square. So, there's no way that any of this is going to exceed the constitutional set limits.

And Delegate Mason made a point. I don't know if everybody heard it. But it's important. The Constitution says it can't be more than ten miles square, which means that in fact it could be the size of a postage stamp if that's what Congress decided. So, thank you.

PRESIDENT CASSELL: Delegate Nahikian, I think that we are not ready to adjourn yet. There are a couple of announcements that we have to make. But I would indicate that I hope that we can conclude the debate on this--begin and conclude the debate on this article Monday. I want to announce also that we were to have voted today on requesting of the District of Columbia Council an extension of two weeks, as recommended last week by the executive committee and the chairpersons in concert. The president appointed, as coordinator, a group consisting of some members of the executive committee and the rules and calendar committee to determine means of tightening up our procedures and process. If we were to ask for two weeks, we would also want to make sure that we use that time as effectively as possible to define more clearly what the time frame is for each of the three readings, the first, second, and third reading, what actually goes on, and make certain that all the committees get the supports that they need beyond what they're getting now between now and that point. That committee apparently, because of the press of time in meeting late at night, has not completed its work. Therefore, we'll let them make their report on Monday at the end of our debate so we don't lose time from the article reading, and then take a vote on Tuesday.

Let me advise you also that the reason this meeting today is from 9:00 to 2:00 is we were previously advised that the original time frame was no longer in force. We had a problem with the elevators last night because the elevator operators were still going on the old scheme, and that is 5:00 until 10:00 or 6:00 until 10:00, with the District of Columbia Government paying for the time from 10:00 until 11:00. By Monday we shall have that straightened. Starting Monday, we shall still have the option until the end of this convention, if it ends on May 29th, to meet from 9:00 to 2:00 or 12:00 to 5:00 on Saturday. We will make certain that we have the elevator service in the building.

DELEGATE NAHIKIAN: We passed a motion to meet the whole day Saturday.

PRESIDENT CASSELL: That was just as I came in. Then there is a motion that defines that. Delegates, that means that we're going to have to pay out of our own funds for the difference of the time between 12:00 and 5:00, which is five hours, right? Somebody is saying, "No."

DELEGATE JONES: $75.

PRESIDENT CASSELL: Delegate Mason.

DELEGATE H. MASON: I understand that the District Government will carry us till the end of the month.

PRESIDENT CASSELL: Yes, they'll carry us from 12:00 to 5:00. That's the agreed upon time.

DELEGATE CORN: But they're open in the morning anyhow.

DELEGATE H. MASON: We could meet at 9:00 or 10:00.

PRESIDENT CASSELL: Okay, that point is well taken. The school is open anyway. So, that's within the open period, okay. Yes, Delegate Long.

DELEGATE LONG: Would you clarify: is there an expenditure which must be made to keep it open and, if so, about what is entailed, how much money?

PRESIDENT CASSELL: Let me say this. The school's normal hours are from 9:00 in the morning until 10:00 at night during the week. It's normal hours on Saturday are from 10:00 until 2:00. Any time before or after those hours somebody would have to pay. The city government will not pay for any time beyond that except what they have agreed to, 12:00 to 5:00 on Saturdays, and 6:00 until 11:00.

There is one thing that we have to clarify. School is out now. Graduation took place at UDC this morning. There won't be any school from now until the fall term in August. And that's something we have to clarify. Is this building open now that school is closed? Are they actually paying for the elevator service, are they paying the lights and so forth? I don't know. We'll have to clear that up.

But let us proceed on the basis, since nobody has told us anything differently, that we can still meet from 6:00 until 11:00 until May 29th on Monday through Friday, and on Saturday from 12:00 to 5:00.

Delegate Mason has pointed out again that we can meet as long as this building is open on Saturday; the school has it open from 9:00 to 2:00. The mayor is paying for the difference between 2:00 and 5:00 until the end of the month.

Delegate Schrag, Corn.

DELEGATE SCHRAG: Mr. President, just an inquiry. Are you postponing until Monday a vote by this body on whether we want to ask for an extension or not?

PRESIDENT CASSELL: Yes, that was the announcement I just made, until Tuesday.

DELEGATE SCHRAG: Till Tuesday.

PRESIDENT CASSELL: Tuesday, yes. Corn?

DELEGATE CORN: I'd like to make an announcement. Please, the style and drafting committee members--would you please pay attention--please, Monday, the style and drafting committee is meeting from 3:00 o'clock to 6:00 o'clock. Please, I beg all of you, make every effort to be at that meeting so we can arrange our work and coordinate our efforts and get our job done in a timely manner and to our best perfection.

PRESIDENT CASSELL: Delegate Robinson.

DELEGATE ROBINSON: Mr. President, prior to your arrival this morning, the vote was affirmative to convene on

Friday morning at 8:30 and terminating that meeting at 10:00 o'clock Friday night.

PRESIDENT CASSELL: Friday of next week.

DELEGATE ROBINSON: In the week coming up, that's right, next week. And also Saturday's session from 10:00 a.m. to 5:00 p.m.

PRESIDENT CASSELL: What we'll do is just advise the university that those are our intended meeting hours and ask them if they'll carry us.

DELEGATE ROBINSON: Okay, and the last thing, sir, was to refer to the executive committee a proposal that this body consider meeting on Sunday from 12:00 to 6:00 p.m. Sundays.

PRESIDENT CASSELL: A proposal?

DELEGATE ROBINSON: A proposal was passed by the body that referred to the executive committee that they consider and investigate the possibility of Sunday meetings with a time frame of 12:00 to 6:00 p.m.

PRESIDENT CASSELL: The study and the consideration is to find out, first of all, whether it would be allowed?

DELEGATE ROBINSON: Yes.

PRESIDENT CASSELL: And, secondly, the cost.

DELEGATE JOHNSON: No, where.

PRESIDENT CASSELL: Oh, outside of this facility.

DELEGATE ROBINSON: Whether it will be allowed and where it would be held.

PRESIDENT CASSELL: Somewhere.

DELEGATE ROBINSON: Somewhere.

PRESIDENT CASSELL: Okay, thank you. Marcus.

DELEGATE MARCUS: Mr. Cassell, you might take into consideration the fact that UDC does in fact have a summer session, which I understand begins about two weeks after the close of the spring session. So, the building may still be open for that purpose.

PRESIDENT CASSELL: Yes. As an employee of the University of the District of Columbia, the summer session does not include all of their buildings. It's a reduced complement of buildings. So, we have to find that out.

Are there any other questions in connection with what happens on Monday? On Monday we conclude, hopefully, the debate, the formal debate and the amendments to the articles read today. We will also hear the recommendation of that committee which will propose that we ask for an extension of time.

On Tuesday, having heard that at the end of the day on Monday, we'll vote.

Who is here from legislature? Yes. I understand from last night's discussion with Mr. Terrell that they will be ready on Monday; is that correct?

DELEGATE LONG: Correct, correct.

PRESIDENT CASSELL: Okay, very good. Thank you very much.

Do I hear a motion to adjourn?

SEVERAL DELEGATES: So moved.

A DELEGATE: Second.

PRESIDENT CASSELL: Those opposed? [No objection] We are adjourned.

[The session was adjourned at 2:04 p.m.]

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